

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:			
Takeo Eguchi			
Application No:	10/790,986	Group Art Unit:	2193
Filed:	March 2, 2004	Examiner	Chat C. Do
Customer No.:	26263		
For:	SIGNAL PROCESSING AND ERROR ACCUMULATION REDUCING APPARATUS, STORAGE MEDIUM STORING THEREON COMPUTER READABLE CODES TO CONTROL THE SIGNAL PROCESSING AND ERROR ACCUMULATION REDUCING APPARATUS, AND SIGNAL		

Via EFS WEB ELECTRONIC FILING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL CONFERENCE

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program introduced in the Official Gazette of July 12, 2005, Applicant respectfully requests reconsideration of this application in view of the remarks set forth below.

Applicant requests review of the legal and factual basis of the rejections in the Final Office Action mailed on November 24, 2008 in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

Remarks

A. Introduction

Claims 1-4 and 9-20 were pending and under consideration. Claims 5-8 were previously cancelled.

In the Office Action of November 24, 2008 ("the Office Action"), claims 1-4 and 9-20 were rejected as obvious. In response, the rejections are traversed.

In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

B. Rejections

Claims 1-4, 9-13, and 17-20 were rejected under 35 U.S.C. §103 as obvious in view of U.S. Patent No. 4,272,648 to Agrawal and U.S. Patent Publication No. 2001/0025292 to Denk. The rejection is traversed for at least the following reasons.

Independent claims 1, 9, and 13 recite "rounding off...wherein rounding off means rounding a value to a digit of an order which is higher than the lowest order digit of the value."

The Examiner acknowledges that Agrawal fails to disclose or suggest "rounding" and attempts to remedy this deficiency with Denk. However, Agrawal and Denk cannot be combined without destroying the intended purpose of Agrawal, and Denk teaches away from Agrawal.

Agrawal purportedly provides increased accuracy with respect to gain control by truncating or chopping off a portion of a number and adding the portion to another number. In fact, Agrawal's entire disclosure relates to a process by which "[t]he output from the adder 62 is applied to a word length reduction circuit 63...[that] operates to provide the output signal Zn by simply discarding the M least significant bits." See Agrawal, Col. 7, Lns. 12-20. The least significant bits are then "employed via a feedback loop and are added to the next word product, which is then used to provide a next output signal" thereby providing "extremely accurate gain control." See Abstract and Col. 7 Ln. 65-Col. 8 Ln 65.

Denk, on the other hand, discloses an "Apparatus and Method For Reducing Precision of Data." See Denk, Title. Because reducing precision is exactly the opposite of providing extreme accuracy, Denk teaches exactly the opposite of Agrawal. Additionally, Denk associates reducing precision with "rounding" by stating "rounding tends to introduce some form of precision reduction error." See Denk, para. 0041. Consequently, one of ordinary skill in the art

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would never have modified Agrawal with a process that would decrease accuracy such as "rounding," as argued by the Examiner, because such would destroy the intended purpose of Agrawal.

Further, the Examiner's logic for combining Agrawal and Denk is flawed. Particularly, the Examiner argues that one would "add the rounding off means...as seen in Denk...to minimize or eliminate error in reducing word length." See the Office Action, page 3. In addition to the fact that the passage relied on by the Examiner is derived from Denk's "Summary of the Invention," which fails to provide any nexus between "rounding" and Denk in its entirety, the Examiner's argument does not make sense. It is nonsensical to argue that one would use Denk's rounding to "minimize or eliminate error" because Denk teaches that rounding does exactly the opposite, i.e., "rounding tends to introduce some form of precision reduction error." See Denk, para. 0041. Moreover, if one considers the passage relied on in its entirety, one would view rounding as problematic and would never change Agrawal from a chopping-off process to a rounding process. Particularly, after providing a general overview of Denk, the alleged motivation reads, "[i]n this manner, errors due to rounding are minimized or eliminated." See Denk, para. 0009. Clearly, the passage teaches away from rounding and one would not have modified Agrawal to round numbers in view of Denk. Thus, the Examiner's logic for combining Agrawal and Denk is flawed.

Accordingly, because neither Agrawal nor Denk, individually or combined, disclose or fairly suggest all of the elements set forth in independent claims 1, 9, and 13, these claims are allowable over Agrawal and Denk, and withdrawal of these rejections and allowance of these claim are respectfully requested. Likewise, claims depending from independent claims 1, 9, and 13 include all of the elements of independent claims 1, 9, and 13. Accordingly, these dependent claims are allowable over Agrawal and Denk for at least the same reasons discussed above with respect to independent claims 1, 9, and 13.

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C. Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If any further fees are required in connection with the filing of this request not already covered by credit card payment via EFS-Web, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,
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